

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA BOARD OF TEACHING
FOR THE MINNESOTA BOARD OF EDUCATION

In the Matter of the
FACT,
Proposed Revocation of
the Teaching License
of Ronald L. Studt.

FINDINGS OF

CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Peter C. Erickson at 9:00 a.m. on Wednesday, December 30, 1987, at the Office of Administrative Hearings, Minneapolis, Minnesota. The record on this matter was left open through February 9, 1988 to allow the Licensee to submit additional documentation and the Board to respond.

Laura E. Mattson, Special Assistant Attorney General, 1100 Bremer Tower, Seventh Place and Minnesota Street, St. Paul, Minnesota 55101, appeared on behalf of the Minnesota Board of Teaching and the Minnesota Board of Education.
Ronald L. Studt, b31-1/2 Third Avenue Southwest, Rochester, Minnesota 55902, appeared and testified on his own behalf.

This Report is a recommendation, not a final decision. The Board of Teaching and Board of Education will make the final decision after a review of

the record which may adopt, reject or modify the Findings of Fact, conclusions, and Recommendations contained herein. Pursuant to Minn. Stat. 14.61, the final decision of the Boards shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by

this Report to file exceptions and present argument to the Boards.

Parties

should contact Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, Room 608 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, and George Droubie, Minnesota Department of Education, Room 610 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101,

to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue to be determined in this proceeding is whether Mr. Studt's license to teach in the State of Minnesota should be revoked pursuant to Minn.

Stat. 125.09, subd. 1(1) (1986).

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. Ronald Studt obtained a Bachelor of Science degree from Winona State College in 1980. He began teaching in Chatfield, Minnesota in the 1980-81

school year. Mr. Studt has not been under contract as a full-time teacher in Minnesota since that time. He has, however, substitute taught on an infrequent basis over the past several years. At the present time, Mr. Studt has a learning disabled teaching license for grades K-12. Mr. Studt is 38 years old.

2. In November of 1986, Mr. Studt was convicted by a jury of criminal sexual conduct in the second degree, a violation of Minn. Stat. sec. 609.343. Mr. Studt was sentenced to 15 months in prison but was released in November of 1987.

3. The circumstances of the crime show that Mr. Studt used force to engage in sexual contact with an adolescent female which resulted in an injury to that individual. See, Minn. Stat. 609.343. The victim was not a student or former student of Mr. Studt's and the crime did not occur in the context of the teaching profession. Mr. Studt accosted and attacked the victim at a gravel pit swimming hole in a rural setting. The sexual contact was forced touching of the breasts and genital area through clothing and Mr. Studt put his tongue in the victim's mouth. The victim's injury was "sore" breasts as a result of the touching.1

4. On January 15, 1987, the Minnesota Board of Teaching received a complaint alleging that Mr. Studt had engaged in immoral conduct unbecoming a teacher. After investigation, the Board of Teaching and Board of Education issued a joint Notice of and Order for Hearing on July 1, 1987 concerning its proposed action to revoke Mr. Studt's teaching license. The hearing on this matter was continued at Mr. Studt's request until he was released from prison and could effectively participate in the hearing process.

5. A psychological evaluation of Ronald Studt was performed by John J. Johnson, Ph.D., on December 20, 1986 as a referral from the Minnesota Department of Coorections. Dr. Johnson's summary and recommendation read as follows:

Ronald Studt is a mentally competent individual who is capable of organizing his thoughts and controlling his behaviors. There is no indication of emotional extremes nor unusual thought process. He does appear to be suspicious and distrustful of authority and seems to have strong feelings of insecurity and dependency which belie an outwardly composed, extroverted manner.

In my judgment, Mr. Studt would not profit from psychotherapy and if requested to enter into a counseling relationship involuntarily, he would comply but not profit from the experience. He would seem to benefit from therapy

1the victim was not called to testify. Rather, a transcript of her testimony at the criminal trial was made a part of this record. Consequently, the Judge has not made detailed findings concerning all aspects of the criminal activity as related in her testimony. The Judge previously ruled that the elements of the crime would be res judicata for purposes of this proceeding.

which would assist him in coming to terms with his feelings, but it is quite unlikely that he could give himself over to such efforts, choosing to remain on the cognitive level. Personality disorders of the type which he seems to manifest do not respond effectively nor readily to psychotherapeutic intervention.

6. Mr. Studt is not currently receiving treatment or engaged in any type of counseling activity regarding the sexual offense for which he was convicted.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the follows:

CONCLUSIONS

1. The Minnesota Board of Teaching, the Minnesota Board of Education and the Administrative Law Judge have jurisdiction over this matter pursuant to Minn. Stat. VXEG O O DQG

2. The Notice of Hearing was proper and served in a timely manner. All other substantive and procedural requirements of law or rule have been complied with by the Boards.

3. Minn. Stat. 125.09, subd. 1(1) provides that the Board of Teaching may suspend or revoke a teacher's license to teach if the teacher has engaged in acts of immoral character or conduct.

4. Ronald L. Studt has been convicted of a felony charge of criminal sexual conduct in the second degree. Such conduct constitutes immoral character or conduct pursuant to Minn. Stat. 125.09, subd. 1(1) (1986).

5. The Boards have shown that the crime for which Mr. Studt was convicted directly relates to the occupation of teaching pursuant to Minn. Stat. 364.03, subd. 1 (1986). Because less than one year has elapsed since Mr. Studt's release from prison, rehabilitation cannot be proved.

6. Due to the seriousness of the crime for which Mr. Studt was convicted and the fact that no psychological treatment is being pursued, revocation of Mr. Studt's teaching license is appropriate.

Based upon the foregoing Conclusions, and for the reasons set forth in the Memorandum below, the Administrative Law Judge makes the following:

RECOMMENDATION

11 IS HEREBY RECOMMENDED that the Minnesota Board of leaching and the Minnesota Board of Education take appropriate disciplinary action against the

teaching license of Ronald L. Studt.

Dated this 22 day of February, 1988.

PETER C. ERICKSON
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. sec. 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

Reported: Taped.

MEMORANDUM

The Minnesota Board of Teaching is empowered to suspend or revoke the teaching license of persons who exhibit "[i]mmoral character or conduct." Minn. Stat. 125.09, subd. 1(1) (1986). The Minnesota Appellate Courts have not defined "immoral character or conduct" that supports teacher license revocation. However, guidance is available from other jurisdictions and judicial interpretations of similar Minnesota laws. The criteria established by the California Supreme Court to determine whether a teacher has engaged in conduct that warrants teacher license revocation are:

[T]he likelihood that the conduct may adversely affect students or fellow students, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conflict, the likelihood of the recurrence of the conduct, and the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.

Morrison v. State Board of Education, 82 Cal. Reprtr. 175, 186, 461 P.2d 375, 386 (1969).

The Minnesota Supreme Court has established a similar standard to determine whether a school board may immediately discharge a teacher for "conduct unbecoming a teacher" pursuant to Minn. Stat. 125.12, subd. 8 (1984). In Kroll v. Independent School District No. 593, 304 N.W.2d 338 (Minn. 1981), the court declared that in teacher termination cases, three factors must be considered. First, the teacher's prior record; second, whether the cited conduct can be remediated; and, third, whether the conduct has resulted in harm or threatened harm. Id. at 345 and 346.

The Minnesota Court of Appeals has ruled that immediate discharge is appropriate where a teacher engages in sexual conduct with a student. Fisher v. Independent School District No. 622, 357 N.W.2d 152 (Minn. App. 1984). In Fisher, an elementary school principal was immediately discharged when the School Board discovered that, 12 years prior to the action, the principal had engaged in sexual contact in his office with a male elementary school student over a four-year period. The court's decision to uphold the

discharge, despite the time lapse between the conduct and the disclosure, was based on the eight-factor analysis in Morrison:

We believe that Morrison, if applied, would mandate Fisher's immediate dismissal. In the terms employed in Morrison, the adverse effect upon the students and the degree of that adverse effect easily outweigh the remoteness of the conduct charged.

Fisher, 357 N.W.2d at 156.

This case is somewhat different than the cases cited above because the Licensee, Mr. Studt, is not currently engaged in the occupation of teaching. Additionally, the criminal offense did not involve a student and was not committed while Mr. Studt was working as a teacher. However, the Judge is of the opinion that the three factors set forth in Kroll must be considered. First, there is nothing in the record to show that Mr. Studt had any previous record of sexually-related offenses or conduct. The Boards are basing this action on only the conviction discussed in the Findings above. No evidence was offered to prove or disprove Mr. Studt's prior abilities as a teacher.

Second, the Boards' witness, Dr. Sandra K. Hewitt, PhD., testified that remediation is only possible if a sexual offender successfully completes a program of treatment. Dr. Hewitt explained that the offender must be able to accept the behavior that happened and deal with it to ensure that it does not happen again. Mr. Studt has not, however, sought treatment for the behavior which resulted in his criminal conviction. This is a critical element which weighs heavily against Mr. Studt's ability to teach and eventually show rehabilitation sufficient to regain a teaching license. Although Dr. Johnson concluded in his report that Mr. Studt may not benefit from counseling, Dr. Johnson did not testify or give any opinion as to the likelihood of similar behavior reoccurring.

Third, the victim of the crime did not testify at the hearing. Consequently, the record does not show the degree of harm that has been experienced by the victim. However, the Judge must assume that the experience of forceable sexual contact, which resulted in an injury, produced some harm to the victim.

Based upon the seriousness of the criminal offense and Mr. Studt's failure to obtain treatment for his obviously anti-social behavior, the Judge can only conclude that revocation of Mr. Studt's teaching license is the appropriate remedy at this time.

P.C.E.

